

REMARKS

Reconsideration of the present application and entry of this amendment are respectfully requested. Claims 1, 2 and 4 to 8 are currently pending, claims 2, 4 and 5 have been canceled, claim 1 has been amended, and new claims 9 to 12 have been added.

The Office Action mailed May 7, 2004 addressed claims 1, 2 and 4 to 8. Claims 1, 2 and 4 to 8 were rejected.

Claims 1, 2 and 4 to 8 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner stated that regarding claims 1 and 2, "being independent of the width(s)" is not clear, and regarding claim 5, "the first and third depths are equal" contradicts the depth progression dimples in claim 2, line 4.

Regarding claims 1 and 2, Applicant respectfully disagrees with the Examiner and submit that the claims are not indefinite, but in an effort to hasten prosecution, claim 1 has been amended to incorporate the language of the parent application, which was allowed. Claim 2 has been canceled. Regarding claim 5, Applicant respectfully submits that the claim is not indefinite and that the term "the first and third depths are equal" does not contradict the depth progression dimples in claim 2, line 4. Applicant respectfully submits that this represents a different type of depth progression, defined as an undulating depth progression in the specification (see page 6, lines 16 to 19).

For at least these reasons, Applicant respectfully submits that the rejection of claims 1, 2 and 4 to 8 under 35 U.S.C. § 112, second paragraph has been overcome. Applicant therefore respectfully requests that the Examiner reconsider and withdraw the rejection.

Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by Stiefel et al (5,018,741).

Although Applicant respectfully disagrees with the Examiner and submits that Stiefel et al., which is commonly owned by Applicant with the present application, does not disclose each and every element of Applicant's claim 1, in an effort to hasten prosecution, claim 1 has been amended to incorporate the limitation of claims 2 and 4. Claim 6 has been amended to depend from claim 1 instead of canceled claim 2.

For at least these reasons, Applicant respectfully submits that the claim 1 is not anticipated

under 35 U.S.C. § 102(b) by Stiefel et al. Applicant therefore respectfully requests that the Examiner reconsider and withdraw the rejection.

Claims 1, 2 and 4 to 8 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 to 6 of U.S. Patent No. 6,663,511. The Examiner stated that although the conflicting claims are not identical, they are not patentably distinct from each other.

Although Applicant respectfully disagrees with the Examiner, in an effort to hasten prosecution, Applicant herein submits a Terminal Disclaimer which disclaims the terminal portion of any patent granting from the instant application, as required under MPEP § 1490. Applicant respectfully submits that this overcomes the rejection.

New claims 9 to 12 have been submitted. Claim 9 represents original claim 1 with the limitations of claims 2 and 5 incorporated into it. Claims 10 to 12 represent original claims 6 to 8, with the dependency changed to properly depend from claims 9 and 10. Applicant respectfully submits that no new matter has been entered.

The Examiner is invited to telephone Applicant's attorney if it is deemed that a telephone conversation will hasten prosecution of the application.

CONCLUSION

Applicants respectfully request reconsideration and allowance of each of the presently rejected claims, claims 1, 2 and 4 to 8. Applicants respectfully request allowance of claims 1 and 6 to 12, the claims currently pending.

Respectfully submitted,

MICHAEL J. SULLIVAN

Date: August 6, 2004
Customer No. 24492
Phone: (413) 322-2937

By Michelle Bugbee
Michelle Bugbee, Reg. No. 42,370
Attorney for Applicants
The Top-Flite Golf Company
A wholly-owned subsidiary of Callaway Golf Company
425 Meadow Street
P.O. Box 901
Chicopee, MA 01021-0901